The motion was by leave withdrawn.

The House rose for lunch at 1 p. m. and re-assembled at 2-30 p. m. with the Hon'ble Deputy President in the Chair.

The Cochin Agriculturists' Bare Existence Bill.

Mr. K. M. Ibrahim (*Cranganur*): Sir, the point of leaving a bare existence margin to the agricultural debtors has been definitely raised in one of the two Bills that has been referred to the Select Committee. I intend to press upon the hon'ble members of that Select Committee the necessity of incorporating the provisions of this Bill, and so I do not intend to move it now.

The Cochin Makkathayam Thiyya Bill.

Mr. V. K. Krishnankutty (*Ezhuvas-Trichur*): Mr. President Sir, The Thiyyas of Cochin State generally follow the Makkathayam system of inheritance except in the Cochin-Kanayannur Taluk. The law relating to the Marumakkathayam Thiyyas who reside in the Cochin-Kanayannur Taluk has already been codified and an Act has been passed. With regard to the law which is applicable to the Makkathayi Thiyyas of the State there is now either confusion or doubt, and the Judges of the High Court have been perplexed as to the exact law which is applicable to the Thiyyas especially in respect of inheritance and succession. It is true that the bulk of the Thiyyas do follow the Hindu religion, but the Hindu law, Mithakshara system of Hindu law is not applicable to the Thiyyas for various reasons. For example the system of survivorship which is a most important incident of Hindu law is wholly unknown to the Thiyya community. Then again there is no right by birth in ancestral property given to sons. Again the doctrine of pious obligation which is also one of the incidents of the Hindu law is entirely unknown to the Thiyyas. Another important feature of difference is that divorce is freely allowed according to the custom of the Thiyyas. Considering all these aspects of difference it will be very difficult to apply the Hindu law to the Thiyyas residing in Cochin. And as regards decisions of courts which form the case law applicable to Thiyyas they have been varying, and it has been held in 21 Cochin that the law applicable is the custom proved in a case. When no definite custom has been provided the law of equity, justice and good conscience prevails. That was the decision of Justice Mr. Verghese. In that case no definite usage or custom was proved and with the progressive ideas prevailing in the State a decision was arrived at that a daughter of a Thiyya is entitled to inherit equally with his sons. Subsequently another

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